# Supreme Court poised to decide wild camping rights on Dartmoor after landmark appeal



As a long-standing legal dispute draws closer to resolution, wild campers across Dartmoor eagerly await a Supreme Court ruling that could solidify their rights to camp in this picturesque national park. The case, spearheaded by landowners Alexander and Diana Darwall, raises fundamental questions about access rights as they challenge a decision by the Court of Appeal that affirmed wild camping as a legitimate form of 'open-air recreation' under the Dartmoor Commons Act 1985.

Dartmoor, a stunning expanse of moorland spanning 368 square miles in Devon, is marked by unique 'commons'—land traditionally open to public use. Since the Dartmoor Commons Act came into effect, wild camping on these commons has been generally accepted, with many assuming an implicit right to pitch tents without prior permission from landowners. However, this assumption is now under legal scrutiny following a series of court decisions that have highlighted the complexities of land use rights in England.

The campaign against wild camping begins with Alexander Darwall, a hedge fund manager who acquired the 4,000-acre Blachford estate in 2013. Citing concerns about the impact on livestock and the environment, the Darwalls contend that many campers fail to observe sustainable practices, such as the ‘leave no trace’ principle. Mr. Darwall has expressed that campfires pose a risk of “habitat destruction”, leading to calls for stricter regulation of camping activities.

In a significant turn of events, the Court of Appeal ruled in July 2023 that wild camping does indeed fall under the scope of 'open-air recreation' as defined by the Dartmoor Commons Act. This ruling not only overturned a previous High Court decision, which had barred camping without landowner consent, but also reasserted public access rights to camp freely across Dartmoor. Richard KC, representing the Dartmoor National Park Authority (DNPA), dismissed claims that temporary camping damages the land, arguing instead that “erecting a tent for backpack or wild camping for a night or two would do no such damage.”

The implications of this ruling extend beyond Dartmoor, signalling potential shifts in land access rights across England. The Labour Party has already pledged to expand wild camping rights to all national parks, a move aimed at enhancing public engagement with natural spaces while nurturing the spirit of the right to roam movement. This initiative resonates with a broader public sentiment advocating for increased accessibility to the countryside, especially crucial in an era where urban-dwelling populations seek refuge in nature.

However, the Darwalls have maintained their pursuit of the matter, successfully gaining the Supreme Court's attention to hear their appeal. This engagement not only underscores the ongoing tensions between landowners and public interest groups but also highlights a critical juncture for conservation versus accessibility debates in the governance of national parks.

As the legal proceedings unfold, they are expected to draw considerable public interest, particularly from the burgeoning community of wild campers and environmental advocates who have rallied in support of preserving this cherished practice. Protesters have already mobilised outside major legal venues, showcasing their commitment to the cause.

The final Supreme Court ruling, anticipated shortly, will not only set a precedent for Dartmoor but may also redefine the permissible boundaries of camping across England, reflecting ongoing societal shifts towards greater egalitarian access to the natural world.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.independent.co.uk/news/uk/home-news/wild-camping-dartmoor-supreme-court-b2754334.html> - Please view link - unable to able to access data
2. <https://www.theguardian.com/environment/2023/jul/31/wild-camping-dartmoor-court-appeal> - In July 2023, the Court of Appeal ruled that wild camping is permitted on Dartmoor, overturning a previous High Court decision. The case centered on whether wild camping constitutes 'open-air recreation' under the Dartmoor Commons Act 1985. The ruling affirmed that wild camping is indeed a form of open-air recreation, allowing the public to camp on Dartmoor commons without landowner permission. This decision was welcomed by campaigners advocating for the right to roam and highlighted the ongoing debate over land access rights in England.
3. <https://www.theguardian.com/environment/2023/apr/05/hope-for-wild-camping-on-dartmoor-as-national-park-wins-right-to-appeal-ban> - In April 2023, the Dartmoor National Park Authority was granted permission to appeal a High Court ruling that banned wild camping on Dartmoor. The appeal aimed to challenge the interpretation of 'open-air recreation' under the Dartmoor Commons Act 1985, which had been narrowly defined to exclude camping. The park authority argued that the judgment could be flawed and that wild camping should be included as a form of open-air recreation, reflecting the historical understanding of the law.
4. <https://www.theguardian.com/environment/2023/jan/27/dartmoor-national-park-wild-camping-seeks-permission-appeal> - In January 2023, the Dartmoor National Park Authority sought permission to appeal a High Court ruling that banned wild camping on Dartmoor. The case, initiated by landowner Alexander Darwall, questioned whether wild camping is considered 'open-air recreation' under the Dartmoor Commons Act 1985. The park authority's decision to appeal was based on concerns that the judgment could have broader implications for public access rights in national parks.
5. <https://news.sky.com/story/wild-camping-ban-on-dartmoor-lifted-after-landowners-lose-court-case-12931301> - In July 2023, the Court of Appeal lifted the ban on wild camping in Dartmoor National Park after landowners Alexander and Diana Darwall lost their court case against the Dartmoor National Park Authority. The case hinged on whether wild camping is considered 'open-air recreation' under the Dartmoor Commons Act 1985. The ruling reinstated the public's right to camp on Dartmoor commons without landowner permission, making it the only place in England where such camping is permitted.
6. <https://www.theguardian.com/environment/2023/aug/04/labour-would-extend-right-to-wild-camp-to-all-english-national-parks> - Following the Court of Appeal's ruling in August 2023 that reinstated the right to wild camp on Dartmoor, the Labour Party announced plans to extend this right to all national parks in England. The decision was part of a broader movement to enhance public access to natural spaces and was welcomed by campaigners advocating for the right to roam. The ruling highlighted the ongoing debate over land access rights and the balance between conservation and public enjoyment of natural areas.
7. <https://www.bbc.co.uk/news/articles/crgjppmyd1go> - In January 2024, landowner Alexander Darwall was granted the right to appeal to the Supreme Court against a ruling that allowed wild camping in Dartmoor National Park. The case centered on whether wild camping constitutes 'open-air recreation' under the Dartmoor Commons Act 1985. The Supreme Court's decision to hear the appeal indicated the ongoing legal battles over public access rights in national parks and the interpretation of land use laws.